

**REMARKS**

In the final Office Action, pending claims 11, 12, 14, 15, 18, 26, 27, 29, 30 and 36-45 were rejected under 35 U.S.C. § 103(a). Claim 19 was objected to as depending from a rejected base claim, but the Examiner indicated that claim 19 contains allowable subject matter.

Claims 11, 12, 14, 15, 26, 27, 29, 30, 36-39 and 44-45 were rejected as allegedly being obvious over U.S. Patent No. 5,905,942 to Stoel et al. (hereinafter "Stoel") in view of U.S. Patent No. 5,931,901 to Wolfe et al. (hereinafter "Wolfe"). Claims 18 and 41 were rejected as allegedly being obvious over Stoel in view of U.S. Patent No. 5,781,734 to Ohno et al. (hereinafter "Ohno"). Claim 40 was rejected as allegedly being obvious over Stoel in view of Ohno further in view of Wolfe.

Claims 11, 14, 18, 26 and 29 are presently amended to clarify the claimed subject matter. Support for the amendments can be found in the specification at, e.g., p. 3, lines 17-19; p. 17, line 1.

Independent claim 11 as amended is directed to a method for presenting program material from a plurality of program sources to users using a host computing device and allocating tasks among a plurality of audiovisual serving devices, said method comprising, *inter alia*:

A method for presenting program material from a plurality of program sources to users using a host computing device and allocating tasks among a plurality of audiovisual serving devices, said method comprising:

responding to a user request to order program material by selecting one of a plurality of Assignable Computing Devices, *said selected Assignable Computing Device being used to generate a menu listing available program material*;

Independent claims 14, 18, 26 and 29 have been amended to include similar limitations as amended claim 11.

As indicated by the Examiner on p. 2 of the final Office Action, the claims prior to amendment did not recite the feature "generating a menu using an Assignable Computing Device." Applicants have amended the independent claims to clarify the

claimed subject matter. The clarified limitation "said selected Assignable Computing Device being used to generate a menu listing available program material" is not disclosed or suggested in Stoel.

Stoel is directed to a cable television system for delivery of television programming, on demand movies, and interactive services, to a subscriber's residence. (See Stoel, Abstract). According to the "Summary of the Invention," Stoel describes a distribution system in which the on demand programming and interactive services are normally jammed, or interdicted, by interdiction field units associated with the subscriber's residence. The system headend allows access by the subscriber to the services by instructing the interdiction field units to "unjam" the channel carrying the signals for the services. (See Stoel, Abstract).

Stoel and the other cited references are fundamentally different from the present invention for at least the following reason. Stoel and the other cited references do not disclose or even remotely suggest generating a menu using an Assignable Computing Device. As discussed in the Office Action, Stoel describes presenting a menu to a user using a "headend" unit. (See Office Action, p.3). As is clear from Figure 1 of Stoel, that single headend unit is used to service multiple subscribers, and therefore cannot possibly be considered an assignable computing device which is assigned to a single user. For at least this additional reason, in view of the Examiner's comment on p. 2 of the final Office Action, Applicants respectfully submit that all pending claims are now in condition for allowance.

Moreover, as noted in the Office Action, Stoel fails to disclose creating a set of user data listing stated user preferences, as required in claims 11, 12, 14, 15, 26, 27, 29, 30 and 36-45. The Examiner asserts that Stoel can properly be combined with Wolfe to describe such feature. Applicants respectfully traverse this assertion.

Wolfe is directed to a system and method for delivering programmed music and targeted advertising to internet subscribers. (See Wolfe, Abstract). The provision of targeted advertising is a distinct endeavor from the multiple dwelling unit cable television system for distribution of television programming and interactive

services described in Stoel. Furthermore, there is no teaching or suggestion to combine these references in any of the cited art. Absent some teaching, suggestion, or incentive supporting the combination, obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention. (*ACS Hospital Systems, Inc. v. Montefiore Hospital*, 221 USPQ 929, 933, 732 F.2d 1572, 1577 (Fed. Cir. 1984)). Accordingly, Applicants respectfully submit that this combination of references is improper. For at least this additional reason, Applicants respectfully submit that pending claims 11, 12, 14, 15, 26, 27, 29, 30 and 36-45 are in condition for allowance.

### CONCLUSION

In view of the foregoing remarks, favorable consideration and allowance of all pending claims 11, 12, 14, 15, 18, 19, 26, 27, 29, 30 and 36-45 are respectfully solicited. In the event that the application is not deemed in condition for allowance, the Examiner is invited to contact the undersigned in an effort to advance the prosecution of this application.

Respectfully submitted,



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